This application has been carefully reviewed in light of the Office Action dated October 3, 2008. Claims 7 to 18 are pending in the application, of which Claims 7 and 13 are independent. Reconsideration and further examination are respectfully requested.

Claims 1 to 6 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. In particular, the Examiner alleges that these claims are directed to software *per se*. Without conceding the correctness of the rejection, Claims 1 to 6 are canceled herein without prejudice or disclaimer of subject matter, in favor of Claims 7 to 12. Therefore, withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

Claims 1 to 18 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,115,132 (Nakatsuma) in view of U.S. Patent No. 5,287,434 (Bain). Reconsideration and withdrawal of this rejection are respectfully requested.

The present invention concerns print spooling where the print data to be printed is diverted from an originally intended printer to an alternate destination printer before the spooling of print data has been completed. In one aspect of the invention, the portion of the print data which has not yet been spooled is concurrently spooled such that the spooling is performed after another portion of the print data has already spooled. The portion of the print data is spooled without restarting from the beginning and without the additional output of the other portion of the print data that was spooled before changing to the alternate destination printer.

Turning to specific claim language, amended independent Claim 7 is directed to a storage medium having a print control program to be executed by a computer stored therein in a computer-readable form. The program includes a spooling step of uniquely spooling print data

created and spooled via a printer driver again; an outputting step of outputting the spooled print data to a destination printer; a changing step of changing the destination printer to an alternation destination printer before said spooling step has completed the spooling of the print data; and a control step of concurrently performing the spooling of a portion of the print data which has not yet been spooled such that the spooling is performed after a portion of the print data already spooled without restarting from the beginning, and performing the outputting of a portion of the print data spooled before the changing in said changing step to the alternation destination printer.

Applicants respectfully submit that the cited references, namely Nakatsuma and Bain, considered either alone or in combination, fail to disclose or suggest all of the features of the computer-executable print control program of Claim 7. In particular, the cited references, either alone or in combination, fail to disclose or suggest at least the features of (a) performing the spooling of a portion of the print data which has not been spooled yet such that the spooling is performed from after a portion of the print data already spooled without restarting from the beginning, and (b) performing the outputting of a portion of the print data spooled before the changing in said changing step to the alternation destination printer.

In an information processing apparatus according to Claim 7, the output of the print data is performed continuously from the portion spooled before the destination printer is changed to the alternate destination printer to the portion spooled after the changeover. Specifically, if the destination printer is changed from a first printer to a second printer before the spooling process of certain print data has been completed, the information processing apparatus of the present invention spools the portion of the print data which has not yet been spooled and concurrently outputs the portion of the print data already spooled for the first printer to the second printer.

In the Office Action, it is asserted that Nakatsuma discloses spooling print data created and spooled via a printer driver, outputting the spooled print data to a destination printer and changing the destination printer to an alternate destination printer before spooling of the print data has been completed. In the Office Action, it also conceded that Nakatsuma fails to disclose controlling the spooling as featured in Claim 7. However, the Office Action cites Bain as disclosing such a feature. Applicants respectfully disagree with such a characterization of the disclosures of Bain.

Bain generally discloses methods for resuming interrupted print jobs. In particular, Bain discloses that spooling is resumed from where a print job was suspended the last time and that the spooled print data is sent again to a printer, which may be an alternate printer in the case an initial printer was the cause of the suspended print job. (See Bain, column 17, lines 37 to 46). Applicants respectfully submit, however, that the print data for spooling and the print data for output are completely different in Bain. That is, in Bain, print data is regenerated in order to resume the suspended print job, thus creating two sets of print data. As set forth in Claim 7, the print data for spooling and the print data for output are the same in the present invention. Specifically, an image processing apparatus in accordance with Claim 7 performs the spooling of a portion of the print data which has not yet been spooled such that the spooling is performed after a portion of the print data already spooled without restarting from the beginning, and performing the outputting of a portion of the print data spooled before the changing by said changing unit to the alternation destination printer. Such a feature is not possible in a system in accordance with Bain because Bain must regenerate new print data for output to another printer when the print job is resumed.

In light of the deficiencies of Nakatsuma and Bain as discussed above, Applicants submit that amended independent Claim 7 is now in condition for allowance and respectfully request same.

Amended independent Claim 13 is directed to an apparatus substantially in accordance with the computer-executable print control program of Claim 7. Accordingly, Applicants submit that Claim 13 is also now in condition for allowance and respectfully request same.

The other pending claims in this application are each dependent from the independent claims discussed above and are therefore believed allowable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

CONCLUSION

No claim fees are believed due; however, should it be determined that additional claim fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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